

Applicant: Blodgett
Serial No.: 10/607,288

PATENT
Atty Docket: 18393-19

Remarks/Arguments

This Amendment is filed in response to the Office Action dated 7/27/04. In this Amendment, claims 1, 4, 5, 7, and 11 are amended, claims 2-3, 6, 10, and 22 are unchanged, claims 8, 9, and 12-21 are canceled, and claims 23-34 are newly added. Following entry of this amendment, claims 1-7, 10-11, and 22-34 shall be pending in this application.

Claims 9 and 13-20 are canceled without prejudice since these claims have been previously withdrawn from consideration as being drawn to a nonelected invention group.

In the Office Action, claims 4-7, 7-8, 11-12, and 22 are rejected as being indefinite, and claims 1-8, 10 are rejected on prior art grounds, and claims 11-12 and 21-22 are allowable.

For the reasons set forth below, these rejections are hereby traversed.

Claim Rejections 35 U.S.C. § 112

Claims 4-5, 7-8, 11-12, and 22 were rejected on grounds of being indefinite under 35 U.S.C. § 112. The Applicant has amended claims 4-5, 7-8, and 11-12 as described below¹.

Claim 4 is amended to include proper antecedent basis.

Claim 5 is amended as suggested by the Examiner to include proper antecedent basis.

Claim 7 is amended as suggested by the Examiner to include proper antecedent basis and add further clarity to describe the claim limitation.

¹ Although claim 22 is cited in the first sentence of paragraph 3 as being indefinite, the Examiner has not described any issues relating to indefiniteness. The Applicant assumes that the inclusion of claim 22 as being indefinite was inadvertent and thus claim 22 is presumed definite.

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Claim 8 is canceled and rewritten as claim 29 to better clarify the recitations of the claim. Specifically, claim 29 includes reference to a second elongated member, a second base member, a first gear rack, a second gear rack, a first base gear assembly, and a second base gear assembly to better distinguish the previously described limitations.

Claim 11 is amended as suggested by the Examiner, changing the mistaken term "bolt" for the originally desired term "nut".

Claim 12 is canceled and rewritten as claim 23 to better clarify the recitations of the claim. Specifically, claim 23 includes reference to a second elongated member, a second base member, a second gear rack, and a second base gear assembly to better distinguish the previously described limitations.

In view of these Amendments, any indefiniteness that may have existed in the claims is no longer present. Withdrawal of the rejection is therefore requested. Moreover, with respect to claims 11-12 and 22, it is submitted that these claims are allowable in view of the Examiner's indication of the same in Official Action.

Claim Objections

Claim 21 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form. In this respect, the subject matter of claim 21 has now been included in its independent base claim (claim 1) and thus, in view of the Examiner's indication, it is submitted that claim 1 is now allowable.

Claim Rejections Under 35 U.S.C. § 102 and § 103

Claims 1, 3-5, 6-8 and 7-8 and 10 have been rejected under 35 U.S.C. § 102(b) and/or § 103 based on one or more of the following references: *Schneider, Nebel, Young '683* and *Erickson et al.* However, given that (1)

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independent claims 1 and 11 each now recite subject matter indicated as allowable by the Examiner, and (2) that all remaining claims, 2-7, 10 and 22-34, depend (directly or indirectly) from these allowable independent claims, it is submitted that these prior art rejections are now moot and should be withdrawn. Furthermore, it is submitted that all pending claims are now in condition for allowance.

New Claims

Claims 23-34 are newly added in this Amendment (although claims 23 and 29 merely are rewritten versions of original claims 12 and 8, respectively). Each of these claims are dependent directly or indirectly on claims 1 or 11 which are now in condition for allowance as noted above. Hence, for at least the same reasons, these dependent claims are allowable. However, as is readily apparent from the structural limitations added by these new claims, these claims further define and describe the invention and thus are independently patentable.

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CONCLUSION

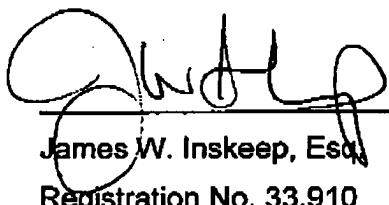
In view of the foregoing, it is submitted that claims 1-7, 10-11, and 22-34, are now in condition for allowance. An indication of the same is respectfully requested.

If any questions or issues arise that are more easily addressed by the Examiner through direct communication with the undersigned, the Examiner is cordially to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

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